

FINAL ORDER NO. 6327

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
1701 Prospect Avenue, P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF James H. Braaten)	
dba Groceries & Gifts to Go , Kalispell, Montana,)	Docket No. T-94.73.PCN
application for a Montana Intrastate)	
Certificate of Public Convenience and Necessity.)	Order No. 6327

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On June 16, 1994, **James H. Braaten dba Groceries & Gifts to Go, 275 Bald Rock Road, Kalispell, MT 59901** filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:
Class B - Groceries, beer, wine, and miscellaneous household items between all points and places within Flathead and Lake Counties.

Limitations: Transportation is limited to a maximum of 100 lbs. per shipment per consignee.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public July 8, 1994. That notice said in pertinent part:

If no written protests are received by July 28, 1994, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protests were filed by Kevin Cnningham dba Port Polson Taxi Service, Polson, Montana and Dan B. Evans dba The Delivery Service, Whitefish, Montana.

4. Notice of Public Hearing was issued August 2, 1994, with hearing scheduled for August 26, 1994, in Kalispell, Montana.

5. On July 28, 1994, Applicant restrictively amended his application. All protests were subsequently withdrawn and the hearing was vacated. The stipulations are incorporated into the Order granting authority herein.

6. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on the 15th day of August, 1994, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-94-73.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **James H. Braaten dba Groceries & Gifts to Go, Kalispell, Montana**, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B - Groceries, beer, wine, and miscellaneous household items between all points and places within Flathead and Lake Counties.

Limitations: 1) Transportation is limited to a maximum of 100 lbs. per shipment per consignee. 2) Transportation within the town of Polson, Montana and a twenty five (25) mile radius thereof is prohibited.

IT IS FURTHER ORDERED that a full, true and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 15th day of August, 1994, by a vote of 5 - 0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ANDERSON, Chairman

BOB ROWE, Vice Chairman

DAVE FISHER, Commissioner

NANCY McCAFFREE, Commissioner

DANNY OBERG, Commissioner

ATTEST:

Kathlene M. Anderson
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.